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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-15172-2016 (O&M)

Date of decision:03.05.2023

GRAM PANCHAYAT TOTI THROUGH ITS PANCH MANJIT KAUR

...Petitioner

Versus

STATE OF PUNJAB AND ORS.

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Maninder Singh, DAG, Punjab

Mr. Vikram Singh, Advocate
for respondent No.4.

SURESHWAR THAKUR, J. (ORAL)

1. One Ajit Singh instituted case No.17/2013/A.D.C.(D), thus before the learned Collector concerned. In case (supra), he impleaded Gram Panchayat village Toti, Tehsil Sultanpur Lodhi, District Kapurthala, through Sarpanch Kehar Singh, as a defendant-respondent. The above petition was instituted under Section 11 of The Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the Act”), with a claim therein, that the plaintiff-petitioner be declared, as owner in possession of the petition lands.

2. The learned Collector concerned, through a decision made on 05.10.2015 (Annexure P-3), upon the case (supra), declined the asked for declaratory relief to the plaintiff-petitioner. The above order of dismissal, as, made on the plaintiff’s suit, by the learned Collector concerned, led the aggrieved therefrom Ajit Singh, to institute thereagainst an appeal before the

learned Commissioner concerned. Through a decision made on 22.01.2016 (Annexure P-4) on an appeal bearing No.147 of 2015, the learned Appellate Authority after accepting the above statutory appeal proceeded to annul the order Annexure P-3, as became earlier recorded by the learned Collector concerned, on a petition cast under Section 11 of the Act.

3. The decision of the Appellate Authority, as carried in Annexure P-4, brings pain to the Gram Panchayat concerned, and, has led it to institute the instant writ petition before this Court. The learned counsel appearing for the Gram Panchayat concerned, has made a vigorous address before this Court, that the decision, as drawn by the learned Appellate Authority (Annexure P-4) is completely vitiated, as it is a sequel of complete mis-appraisal and non-appreciation of the auction registers, and, lease registers, both whereof carry the khasra numbers, rather completely tallying with the khasra numbers, as, became assigned to the disputed lands. Therefore, he argues that the acceptance of the appeal bearing No.147 of 2015, as raised by aggrieved Ajit Singh against the dismissal of his declaratory suit by the learned Collector concerned, does require its becoming interfered with.

4. This Court, at this stage does not deem it fit, and, appropriate to quash Annexure P-4. The simple reason for doing so is firmly rooted, in the factum, that the impugned decision, as carried in Annexure P-4, does not detail, whether as a matter of fact the above referred lease registers, and, auction registers, and with the above apposite tallyings therein, thus came up for deliberation and discussion, and, thereafter for some reason becoming assigned by the Appellate Authority concerned, thus the validity of the said auction register, and, lease register rather became not countenanced.

5. Since only in the event of there being a discussion about the validity of the said documents, and, such a discussion but clearly reflecting, that

the import of the said document has been misconstrued, thus resulting in a legally vitiated, and, flawed decision as carried in Annexure P-4, being made by the learned Appellate Authority, thereupon alone this Court would become constrained to accept the instant petition. Since the above has not been done, whereas, it was required to be thoroughly deliberated upon, and, also a well informed reason, was to be assigned, thus for either accepting or rejecting the validity of the above lease registers, and, auction register(s). Resultantly, this Court is constrained to after annulling Annexure P-4, to yet make an order of remand, upon, the learned Appellate Authority concerned, to after restoring appeal No.147 of 2015, to its original number, to thereafter make a well informed, and, reasoned decision, about the validity and import of the apposite lease registers, and, auction registers, and to thereafter within 3 months from today record a fresh decision, upon, the above appeal.

6. Disposed of accordingly.

7. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

03.05.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No